

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13275, of Leon James, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and from the prohibition against allowing an accessory building to occupy more than thirty percent of the required rear yard (Sub-section 7601.2) to construct a new carport in an R-4 District at the premises 86 V Street, N.W., (Square 3117, Lot 51).

HEARING DATE: July 16, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the south side of V Street between North Capitol and 1st Streets, N.W.
2. The subject property is 16.67 feet wide and 104.54 feet deep. It is improved with a three story brick row dwelling.
3. There is a fifteen foot wide public alley adjoining the site on its east side.
4. The existing dwelling extends fifty-six feet back from the front of the lot, and occupies 933.52 square feet. There is a 48.36 foot existing rear yard.
5. The applicant proposes to erect a carport as an accessory building in the rear yard. The carport would be the full width of the lot and 21.33 feet in length. The carport would be located in the middle of the rear yard, three feet from the back of the house, and 24.03 feet from the rear lot line.
6. The carport was partially constructed without a building permit having been issued. The applicant has already erected support columns and partial roof beams. The carport is to be constructed of wood with roofing materials over an aspenite base for the cover. The carport would be open on all four sides.

7. Access to the carport would be from the adjoining public alley on the east side, through the rear yard. The rear yard is paved with concrete.

8. The carport would occupy 355.57 square feet. When added to the existing building, the total building area would be 1289.09 square feet. The R-4 District regulations permit a maximum lot occupancy of sixty percent for a row dwelling. For this lot, the maximum permitted building area is thus 1043.81 square feet. The applicant thus requires a variance of 245.28 square feet.

9. Sub-section 7601.2 provides that no more than thirty percent of the area of a required rear yard may be occupied by an accessory building. The required depth of a rear yard in an R-4 District is twenty feet. The applicant provides a rear yard of 48.36 feet. The maximum area of that rear yard that may be occupied is 100.02 square feet. The application proposes to occupy 283.39 square feet. A variance of 183.37 square feet is thus required.

10. There will still be 24.03 feet from the rear of the carport to the rear lot line.

11. There was no report from Advisory Neighborhood Commission - 5C.

12. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the size and nature of the site and existing improvements, when considered in relation to the nature of the proposed carport do favor the granting of the variance. While more area of the lot will be under roof, the entire rear yard is already paved, and the carport will be open on all four sides. There will be no obstruction of light, air or ventilation. The proposed carport would be an improvement to the property. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Connie Fortune, Walter B. Lewis, and Charles R. Norris
to GRANT; William F. McIntosh to GRANT by PROXY;
Leonard L. McCants not present, not voting).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT.

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 SEP 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.